

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DOROTHY BYRD, EDWARD CHEW,	:	
PATRICIA BRYANT, and WANDA	:	
DOREEN DAVIS,	:	
Plaintiffs,	:	CIVIL ACTION
v.	:	NO. 12-4520
	:	
CITY OF PHILADELPHIA,	:	
and BARBARA A. DEELY,	:	
Defendants.	:	

O R D E R

AND NOW, this 22nd day of October, 2013, upon consideration of Defendants' Partial Motion to Dismiss (Docket No. 3) and Plaintiffs' Opposition thereto (Docket No. 4), it is hereby **ORDERED** that Defendants' Motion is **GRANTED in part**, and **DENIED in part** as follows:

1. Defendants' Motion is **GRANTED** as to Count II regarding Plaintiffs' allegations of disparate impact, and those allegations are **DISMISSED without prejudice**.
2. Defendants' Motion is **GRANTED** as to Count III, and Count III is **DISMISSED without prejudice**.
3. Defendants' Motion is **GRANTED** as to Count V, and Plaintiff Chew is **DISMISSED with prejudice**, and Plaintiff Bryant is **DISMISSED without prejudice**.
4. Defendants' Motion is **GRANTED** as to Count VII, and Plaintiff Chew is **DISMISSED with prejudice**, and Plaintiff Bryant is **DISMISSED without prejudice**.
5. Plaintiffs may file an amended complaint no later than 14 days from the date of this order.

BY THE COURT:

S/Gene E.K. Pratter
GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE